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10/506,873	09/03/2004	Patrick Ryan	39056-P001WOUS	4900

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EXAMINER
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BURGESS, JOSEPH D

ART UNIT	PAPER NUMBER
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3626

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05/08/2009

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/506,873	<b>Applicant(s)</b> RYAN ET AL.	
	<b>Examiner</b> JOSEPH BURGESS	<b>Art Unit</b> 3626	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 03 September 2004.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-54 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-54 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 03 September 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Status of Claims***

1. This action is in reply to application 10/506873 filed on 09/03/2004. Claims 1-54 are currently pending and have been examined.

### ***Claim Objections***

2. Claim 19 is objected to because of the following informalities: the word "product" after the word "program" in line 1 of the preamble is spelled incorrectly. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:  
  
The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
4. Claims 1-18 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
5. Claim 1 recites "A method for creating records". It is unclear whether the applicant is trying to claim the records (product) or the process. As claim 1 is an independent claim, all claims dependent from it are rejected for the same reason.

### ***Claim Rejections - 35 USC § 101***

6. 35 U.S.C. 101 reads as follows:  
  
Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

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7. Claims 1-18 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.
8. Claims 1-18 are directed to a method. Based on Supreme Court precedent and recent Federal Circuit decisions, the Office's guidance to examiners is that a §101 process must (1) be tied to a machine or (2) transform underlying subject matter (such as an article or materials) to a different state or thing. In re Bilski et al, 88 USPQ 2d 1385 CAFC (2008); Diamond v. Diehr, 450 U.S. 175, 184 (1981); Parker v. Flook, 437 U.S. 584, 588 n.9 (1978); Gottschalk v. Benson, 409 U.S. 63, 70 (1972); Cochrane v. Deener, 94 U.S. 780,787-88 (1876). None of the recited steps of the method are tied to a particular machine nor execute a transformation, therefore they are non-statutory.

***Claim Rejections - 35 USC § 103***

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Examiner's Note:** The Examiner has pointed out particular references contained in the prior art of record within the body of this action for the convenience of the Applicant. Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may apply. Applicant, in preparing the response, should consider fully the entire reference as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the Examiner.

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- 10.** Claims 1-12, 17-30, 35-48, 53, and 54 are rejected under 35 U.S.C. 103(a) as being unpatentable over Doctor, et al. (US 2002/0032584 A1) in view of Mishelevich, et al. (US 6,434,547 B1).

**11. Claims 1 and 19:**

Doctor, as shown, discloses the following limitations:

- *receiving a request to generate a voice file to be inserted at a selected field in one of said one or more screens (see at least paragraphs 0080-0083);*
- *generating a tag file in response to said request to generate said voice file, wherein said tag file associates said voice file with said selected field in one of said one or more screens (see at least paragraphs 0080-0083);*
- *transmitting said tag file to a requesting device (see at least paragraphs 0080-0083).*

Doctor does not explicitly disclose the following limitations, but Mishelevich as shown does:

- *receiving a request to select an encounter template (see at least column 6, lines 8-30, i.e. system receives request from user to locate templates relevant to user);*
- *transmitting one or more screens of said selected encounter template (see at least column 6, lines 18-30);*

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the voice file of Doctor with the templates of Mishelevich because it provides, "...an efficient means of gathering data in a structured document and subsequently verifying the accuracy of the data while also associating other information with the data..." (Mishelevich, column 2, lines 3-6).

**12. Claims 2, 20, and 38:**

The combination of Doctor/Mishelevich discloses the limitations as shown in the rejections above. Furthermore, Doctor discloses the limitation of *said tag file comprises at least one of the following: a tracking number, a voice file sequence number, a topic,*

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*and an Internet Protocol address* (see at least paragraph 0080, i.e. tag file can be associated with a category or issue describing the patient's health).

**13. Claims 3 and 21:**

The combination of Doctor/Mishelevich discloses the limitations as shown in the rejections above. Furthermore, Doctor, as shown, discloses the following limitations:

- *receiving said voice file* (see at least paragraph 0084, i.e. data store receives voice file);
- *transmitting said received voice file to be transcribed* (see at least paragraph 0084, i.e. data store sends voice files and transcription request to transcription service).

**14. Claims 4 and 22:**

The combination of Doctor/Mishelevich discloses the limitations as shown in the rejections above. Furthermore, Doctor, as shown, discloses the following limitation:

- *receiving said transcribed voice file* (see at least paragraph 0085);

Doctor does not explicitly disclose the following limitation, but Mishelevich as shown does:

- *integrating said transcribed voice file in said encounter template using said tag file* (see at least column 10, lines 53-62).

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the voice file of Doctor with the templates of Mishelevich because it provides, "...an efficient means of gathering data in a structured document and subsequently verifying the accuracy of the data while also associating other information with the data..." (Mishelevich, column 2, lines 3-6).

**15. Claims 5 and 23:**

The combination of Doctor/Mishelevich discloses the limitations as shown in the rejections above. Furthermore, Mishelevich discloses the limitation of *verifying accuracy*

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*of said transcribed voice file prior to integrating said transcribed voice file in said selected encounter template* (see at least claim 60). It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the voice file of Doctor with the templates of Mishelevich because it provides, "...an efficient means of gathering data in a structured document and subsequently verifying the accuracy of the data while also associating other information with the data..." (Mishelevich, column 2, lines 3-6).

**16. Claims 6 and 24:**

The combination of Doctor/Mishelevich discloses the limitations as shown in the rejections above. Furthermore, Doctor, as shown, discloses the following limitations:

- *receiving said voice file* (see at least paragraphs 0084-0085);
- *transcribing said received voice file* (see at least paragraph 0085).

**17. Claims 7 and 25:**

The combination of Doctor/Mishelevich discloses the limitations as shown in the rejections above. Furthermore, Mishelevich discloses the limitation of *integrating said transcribed voice file in said selected encounter template using said tag file* (see at least column 10, lines 53-62). It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the voice file of Doctor with the templates of Mishelevich because it provides, "...an efficient means of gathering data in a structured document and subsequently verifying the accuracy of the data while also associating other information with the data..." (Mishelevich, column 2, lines 3-6).

**18. Claims 8 and 26:**

The combination of Doctor/Mishelevich discloses the limitations as shown in the rejections above. Furthermore, Doctor discloses the limitation of *transmitting a set of screens, wherein a first of said set of screens being operable for selecting an*

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*environment, wherein a second of said set of screens being operable for selecting said encounter template (see at least figures 3A-3D).*

**19. Claims 9 and 27:**

The combination of Doctor/Mishelevich discloses the limitations as shown in the rejections above. Furthermore, Doctor, as shown, discloses the following limitations:

- *receiving results as a user completes each of said one or more transmitted screens of said selected encounter template (see at least figures 3A-7B and paragraphs 0055-0072, i.e. user makes a selection on screen and software application program receives results of user selection);*
- *recording results as said user completes each of said one or more transmitted screens of said selected encounter template (see at least paragraphs 0055-0072, i.e. user makes a selection on screen, such as "Epogen, 1000 mg", and the selection is recorded which forwards user to successive screens).*

**20. Claims 10 and 28:**

The combination of Doctor/Mishelevich discloses the limitations as shown in the rejections above. Furthermore, Doctor discloses the limitation of *selecting a next one or more screens to be transmitted upon said user completing said one or more transmitted screens of said selected encounter template (see at least figures 3A-7B and paragraphs 0055-0072, i.e. next screens are selected for display to user as a result of user selection on present screen).*

**21. Claims 11, 29, and 47:**

The combination of Doctor/Mishelevich discloses the limitations as shown in the rejections above. Furthermore, Doctor discloses the limitation of *said selection of said next one or more screens to be transmitted is based on said results received (see at least*



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figures 3A-7B and paragraphs 0055-0072, i.e. next screens are selected for display to user as a result of user selection on present screen).

**22. Claims 12, 30, and 48:**

The combination of Doctor/Mishelevich discloses the limitations as shown in the rejections above. Furthermore, Doctor discloses the limitation of *said selection of said next one or more screens to be transmitted is effected by referencing a database containing a sequence of screens to be transmitted for said selected encounter template* (see at least figures 3A-7B and paragraphs 0053-0055, i.e. portable device communicates with another computer's memory or uses it's memory in conjunction with an application software program to present the user with a series of interface screens).

**23. Claims 17 and 35:**

The combination of Doctor/Mishelevich discloses the limitations as shown in the rejections above. Furthermore, Doctor discloses the limitation of *receiving a request for drug information* (see at least figures 5A-5D and paragraphs 0065-0072).

**24. Claims 18 and 36:**

The combination of Doctor/Mishelevich discloses the limitations as shown in the rejections above. Furthermore, Doctor, as shown, discloses the following limitations:

- *searching said requested drug information in a database* (see at least figures 5A-5D and paragraphs 0065-0072);
- *transmitting said requested drug information* (see at least figures 5A-5D and paragraphs 0065-0072).

**25. Claim 37:**

Doctor, as shown, discloses the following limitations:

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- *a memory unit operable for storing a computer program operable for creating records (see at least figure 2C);*
- *a processor coupled to said memory unit (see at least figure 2C),*
- *circuitry operable for receiving a request to generate a voice file to be inserted at a selected field in one of said one or more screens (see at least figure 2C and paragraphs 0080-0083);*
- *circuitry operable for generating a tag file in response to said request to generate said voice file, wherein said tag file associates said voice file with said selected field in one of said one or more screens (see at least figure 2C and paragraphs 0080-0083);*
- *circuitry operable for transmitting said tag file to a requesting device (see at least figure 2C and paragraphs 0080-0083).*

Doctor does not explicitly disclose the following limitations, but Mishelevich as shown does:

- *circuitry operable for receiving a request to select an encounter template (see at least figure 4 and column 6, lines 8-30, i.e. system receives request from user to locate templates relevant to user);*
- *circuitry operable for transmitting one or more screens of said selected encounter template (see at least figure 4 and column 6, lines 18-30);*

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the voice file of Doctor with the templates of Mishelevich because it provides, "...an efficient means of gathering data in a structured document and subsequently verifying the accuracy of the data while also associating other information with the data..." (Mishelevich, column 2, lines 3-6).

**26. Claim 39:**

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The combination of Doctor/Mishelevich discloses the limitations as shown in the rejections above. Furthermore, Doctor, as shown, discloses the following limitations:

- *circuitry operable for receiving said voice file* (see at least figure 2C and paragraph 0084, i.e. data store receives voice file);
- *circuitry operable for transmitting said received voice file to be transcribed* (see at least figure 2C and paragraph 0084, i.e. data store sends voice files and transcription request to transcription service).

**27. Claim 40:**

The combination of Doctor/Mishelevich discloses the limitations as shown in the rejections above. Furthermore, Doctor, as shown, discloses the following limitation:

- *circuitry operable for receiving said transcribed voice file* (see at least figure 2C and paragraph 0085);

Doctor does not explicitly disclose the following limitation, but Mishelevich as shown does:

- *circuitry operable for integrating said transcribed voice file in said encounter template using said tag file* (see at least figure 4 and column 10, lines 53-62).

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the voice file of Doctor with the templates of Mishelevich because it provides, "...an efficient means of gathering data in a structured document and subsequently verifying the accuracy of the data while also associating other information with the data..." (Mishelevich, column 2, lines 3-6).

**28. Claims 41:**

The combination of Doctor/Mishelevich discloses the limitations as shown in the rejections above. Furthermore, Mishelevich discloses the limitation of *circuitry operable for verifying accuracy of said transcribed voice file prior to integrating said transcribed voice file in said selected encounter template* (see at least figure 4 and claim 60). It

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would have been obvious to one of ordinary skill in the art at the time of the invention to combine the voice file of Doctor with the templates of Mishelevich because it provides, "...an efficient means of gathering data in a structured document and subsequently verifying the accuracy of the data while also associating other information with the data..." (Mishelevich, column 2, lines 3-6).

**29. Claim 42:**

The combination of Doctor/Mishelevich discloses the limitations as shown in the rejections above. Furthermore, Doctor, as shown, discloses the following limitations:

- *circuitry operable for receiving said voice file* (see at least figure 1 and paragraphs 0084-0085);
- *circuitry operable for transcribing said received voice file* (see at least figure 1 and paragraph 0085).

**30. Claim 43:**

The combination of Doctor/Mishelevich discloses the limitations as shown in the rejections above. Furthermore, Mishelevich discloses the limitation of *circuitry operable for integrating said transcribed voice file in said selected encounter template using said tag file* (see at least figure 4 and column 10, lines 53-62). It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the voice file of Doctor with the templates of Mishelevich because it provides, "...an efficient means of gathering data in a structured document and subsequently verifying the accuracy of the data while also associating other information with the data..." (Mishelevich, column 2, lines 3-6).

**31. Claim 44:**

The combination of Doctor/Mishelevich discloses the limitations as shown in the rejections above. Furthermore, Doctor discloses the limitation of *circuitry operable for*

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*transmitting a set of screens, wherein a first of said set of screens being operable for selecting an environment, wherein a second of said set of screens being operable for selecting said encounter template (see at least figures 2C and 3A-3D).*

**32. Claim 45:**

The combination of Doctor/Mishelevich discloses the limitations as shown in the rejections above. Furthermore, Doctor, as shown, discloses the following limitations:

- *circuitry operable for receiving results as a user completes each of said one or more transmitted screens of said selected encounter template (see at least figures 2C and 3A-7B and paragraphs 0055-0072, i.e. user makes a selection on screen and software application program receives results of user selection);*
- *circuitry operable for recording results as said user completes each of said one or more transmitted screens of said selected encounter template (see at least figures 2C and paragraphs 0055-0072, i.e. user makes a selection on screen, such as "Epogen, 1000 mg", and the selection is recorded which forwards user to successive screens).*

**33. Claim 46:**

The combination of Doctor/Mishelevich discloses the limitations as shown in the rejections above. Furthermore, Doctor discloses the limitation of *circuitry operable for selecting a next one or more screens to be transmitted upon said user completing said one or more transmitted screens of said selected encounter template (see at least figures 2C and 3A-7B and paragraphs 0055-0072, i.e. next screens are selected for display to user as a result of user selection on present screen).*

**34. Claim 53:**

The combination of Doctor/Mishelevich discloses the limitations as shown in the rejections above. Furthermore, Doctor discloses the limitation of *circuitry operable for*

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*receiving a request for drug information* (see at least figures 2C and 5A-5D and paragraphs 0065-0072).

**35. Claim 54:**

The combination of Doctor/Mishelevich discloses the limitations as shown in the rejections above. Furthermore, Doctor, as shown, discloses the following limitations:

- *circuitry operable searching said requested drug information* in a database (see at least figures 2C and 5A-5D and paragraphs 0065-0072);
- *circuitry operable transmitting said requested drug information* (see at least figures 2C and 5A-5D and paragraphs 0065-0072).

**36.** Claims 13-16, 31-34, and 49-52 are rejected under 35 U.S.C. 103(a) as being unpatentable over Doctor, et al. (US 2002/0032584 A1) in view of Mishelevich, et al. (US 6,434,547 B1) in further view of Lavin, et al. (US 5,772,585 A).

**37. Claims 13 and 31:**

The combination of Doctor/Mishelevich discloses the limitations as shown in the rejections above. Furthermore, Doctor, as shown, discloses the following limitations:

- *receiving a name of a prescribed drug* (see at least figure 5C and paragraph 0067);
- *checking said name of said prescribed drug against a patient profile* (see at least paragraphs 0055-0072, i.e. user chooses patient, chooses drug for patient, and system checks drug against patient records).

The combination of Doctor/Mishelevich does not explicitly disclose the following limitation, but Lavin as shown does:

- *receiving a request to write a prescription* (see at least column 13, line 60 – column 14, line 24);

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the voice file of Doctor with the prescription method of Lavin because it

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provides, "...the elimination of redundant data entry and centralization of patient information..." (Lavin, column 3, lines 3-4).

**38. Claims 14 and 32:**

The combination of Doctor/Mishelevich/Lavin discloses the limitations as shown in the rejections above. Furthermore, Doctor discloses the limitation of *transmitting a notification indicating a problem with prescribing said prescribed drug if there exists a problem with prescribing said prescribed drug* (see at least paragraph 0068).

**39. Claims 15 and 33:**

The combination of Doctor/Mishelevich/Lavin discloses the limitations as shown in the rejections above. Furthermore, Lavin discloses the limitation of *printing out said prescription* (see at least column 14, lines 21-23). It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the voice file of Doctor with the prescription method of Lavin because it provides, "...the elimination of redundant data entry and centralization of patient information..." (Lavin, column 3, lines 3-4).

**40. Claims 16 and 34:**

The combination of Doctor/Mishelevich/Lavin discloses the limitations as shown in the rejections above. Furthermore, Lavin discloses the limitation of *transmitting said prescription for filling* (see at least column 14, lines 21-23, i.e. prescription is faxed to pharmacy). It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the voice file of Doctor with the prescription method of Lavin because it provides, "...the elimination of redundant data entry and centralization of patient information..." (Lavin, column 3, lines 3-4).

**41. Claim 49:**

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The combination of Doctor/Mishelevich discloses the limitations as shown in the rejections above. Furthermore, Doctor, as shown, discloses the following limitations:

- *circuitry operable for receiving a name of a prescribed drug* (see at least figures 2C and 5C and paragraph 0067);
- *circuitry operable for checking said name of said prescribed drug against a patient profile* (see at least figure 2C and paragraphs 0055-0072, i.e. user chooses patient, chooses drug for patient, and system checks drug against patient records).

The combination of Doctor/Mishelevich does not explicitly disclose the following limitation, but Lavin as shown does:

- *circuitry operable for receiving a request to write a prescription* (see at least column 2, lines 1-22 and column 13, line 60 – column 14, line 24);

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the voice file of Doctor with the prescription method of Lavin because it provides, "...the elimination of redundant data entry and centralization of patient information..." (Lavin, column 3, lines 3-4).

**42. Claim 50:**

The combination of Doctor/Mishelevich/Lavin discloses the limitations as shown in the rejections above. Furthermore, Doctor discloses the limitation of *circuitry operable for transmitting a notification indicating a problem with prescribing said prescribed drug if there exists a problem with prescribing said prescribed drug* (see at least figure 2C and paragraph 0068).

**43. Claim 51:**

The combination of Doctor/Mishelevich/Lavin discloses the limitations as shown in the rejections above. Furthermore, Lavin discloses the limitation of *circuitry operable for printing out said prescription* (see at least column 2, lines 1-22 and column 14, lines 21-23). It would have been obvious to one of ordinary skill in the art at the time of the



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invention to combine the voice file of Doctor with the prescription method of Lavin because it provides, "...the elimination of redundant data entry and centralization of patient information..." (Lavin, column 3, lines 3-4).

**44. Claim 52:**

The combination of Doctor/Mishelevich/Lavin discloses the limitations as shown in the rejections above. Furthermore, Lavin discloses the limitation of *circuitry operable for transmitting said prescription for filling* (see at least column 14, lines 21-23, i.e. prescription is faxed to pharmacy). It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the voice file of Doctor with the prescription method of Lavin because it provides, "...the elimination of redundant data entry and centralization of patient information..." (Lavin, column 3, lines 3-4).

***Conclusion***

Any inquiry of a general nature or relating to the status of this application or concerning this communication or earlier communications from the Examiner should be directed to **JOSEPH BURGESS** whose telephone number is **(571)270-5547**. The Examiner can normally be reached on Monday-Friday, 9:00am-5:00pm. If attempts to reach the examiner by telephone are unsuccessful, the Examiner's supervisor, **CHRISTOPHER GILLIGAN** can be reached at **(571)272-6770**.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://portal.uspto.gov/external/portal/pair> . Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at **(866)217-9197** (toll-free).

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Any response to this action should be mailed to:

**Commissioner of Patents and Trademarks  
Washington, D.C. 20231**

or faxed to **571-273-8300**. Hand delivered responses should be brought to the **United States Patent and Trademark Office Customer Service Window:**

**Randolph Building  
401 Dulany Street  
Alexandria, VA 22314.**

JOSEPH BURGESS

5/8/2009

Examiner

Art Unit 3626

/C. Luke Gilligan/

Supervisory Patent Examiner, Art Unit 3626